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July 11, 2008

### *Via Electronic Filing*

The Honorable Sue L. Robinson  
United States District Court for the District of Delaware  
844 King Street, Lockbox 27  
Wilmington, DE 19801

**Re: *Cordis Corp v. Medtronic Vascular, Inc., et al., C.A. No. 97-550-SLR***

Dear Judge Robinson:

BSC respectfully submits this letter in response to Cordis' letter (D.I. 1471) requesting oral argument on its motion for entry of final judgment.

BSC does not object to oral argument being held at the Court's convenience, but respectfully requests that if the Court entertains oral argument on Cordis' motion (D.I. 1455), that it also hear oral argument on BSC's related cross-motion to defer proceedings and for a new trial (D.I. 1461) at the same time.

In its letter requesting oral argument, Cordis includes a second paragraph with arguments and accusations regarding its motion, including the assertion that BSC is "relying on the fact that this Court has not decided [Cordis'] motion" in this case as a basis for opposing Cordis' collateral estoppel arguments in the appeal in the Express case (C.A. No. 03-027). D.I. 1471. BSC does not want to burden the Court with a detailed refutation of these arguments and accusations, but it does want it to be clear that it disagrees with the entirety of the second paragraph in Cordis' letter. Suffice it to say that BSC disputes Cordis' collateral estoppel arguments in the Express case for several reasons, including reasons unrelated to the finality of the judgment in this case (*see* D.I. 1467 (Ex. N)), and that BSC contends there should be a new

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trial, rather than a final judgment in this case, for all of the reasons set forth in its briefs on this motion (*see* D.I. 1462, D.I. 1470). Thus, there is no basis for Cordis' suggestion that the final resolution of either case hinges on the timetable for deciding this motion.

Respectfully submitted,

/s/ Karen L. Pascale

Karen L. Pascale